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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,062	08/25/2003	Simeon Sordjan JR.	221-002	2943

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EXAMINER

JOYCE, WILLIAM C

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,062

Applicant(s)

SORDJAN, SIMEON

Examiner

William C. Joyce

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the amendment filed September 28, 2004 for the above identified patent application.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-13 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility insofar as pertains to applicant's implication throughout the disclosure that the device can produce motion without reacting against an outside force (e.g. friction, land, or water), and without expelling mass such as in a jet plane. An example of implications appear as follows: "The present invention provides a device for the conversion of centrifugal force to linear force and motion to propel wheel vehicle, watercraft, aircraft or spacecraft" and "It is intended to provide a simple, gasless, lightweight method of propulsion" (page 2, line 14+ of the specification).

The present invention is a propulsion system which allegedly generates thrust through a mass mounted on a rotating guide and having means for creating a force imbalance. It is submitted however that such an operation violates basic physical laws, including conservation of linear momentum and Newton's Law of Motion. Since all mass is completely recirculated within the system; there is no mass transfer and thus no

momentum transfer between the system and its environment. Therefore, the device is considered inoperative.

In order to operate in the manner and for the purpose disclosed, the device would have to violate Newton's third law of motion which states that an action force must be imposed upon an external frame of reference in order for there to be a net reaction force with respect to the external reference frame. In this case, the specification does not disclose an action force which is applied to the housing, and accordingly there cannot be a net reaction force with respect to the housing.

The Patent and Trademark office is authorized to require evidence to the operability of an invention for which patent protection is sought. Consequently, in order to overcome the above rejection, applicant provide evidence to the operability of the invention, for example, by way of a working model.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are not fully understood as to how the device can produce a directional force by rotating a plurality of weights. It appears that the claimed device would produce a vibratory motion and not a propulsive directional force.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-13, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (US Patent 4,241,615).

Ryan discloses a device for converting centrifugal force to linear force and motion, said device comprising: a first gear (108) fixed to a support member (101); a second gear (102) in opposite rotational communication with said first gear and weighted along an outer edge and is rotatably attached to and abutting said support member; and a first drive means for translating centrifugal motion of said first gear to unidirectional motion.

Ryan does not clearly describe the support member (25) as bar members as defined by the instant claims, but illustrates the support member as a bar member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Ryan with bar members positioned on each side of the gears, motivation being to better support the gears for rotation.

It would have been obvious to one in the art to vary the number of gears and supporting bars as defined by the claims, since it has been held that mere duplication of

the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

7. Claims 1-13, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over McMahon (US Patent 5,167,163).

McMahon discloses a device for converting centrifugal force to linear force and motion, said device comprising: a first gear (50) fixed to a support member (25); a second gear (35) in opposite rotational communication with said first gear and weighted along an outer edge and is rotatably attached to and abutting said support member; and a first drive means for translating centrifugal motion of said first gear to unidirectional motion.

McMahon does not disclose the support member (25) as a first and second bar, but illustrates the support member as a disk member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of McMahon with bar members positioned on each side of the gear, motivation being to better support the gears for rotation. Further, it would have been obvious to one in the art to form the disk shaped support member of McMahon as bar members, applicant has not disclosed that the bar members solves any stated problem or is for any particular purpose and it appears that the invention would work equally well with disk shaped support members.

Response to Arguments

Applicant's arguments, video, and supporting documentation filed September 28, 2004 have been fully considered but they are not persuasive.

The video made by applicant in the attempt to show the operability of the device is not persuasive. The video appears to show a wheeled vehicle driven in a predetermined direction by a propulsion device, however the tape fails to clearly show each and every component used in making the propulsion device. It is unclear from the video that the demonstrated propulsion device has the same configuration as the claimed propulsion device. Further, it is unclear as to whether an external force is used to propel the vehicle in the video, such as a wind current, magnetic force, or a gravitational force due to an inclination of the vehicle supporting surface. Since the video does not clearly demonstrate the operability of the claimed device, the claims stand rejected based on 35 USC 101.

The documentation submitted to overcome the rejection based on Newton's third law of motion is acknowledged. It is submitted that the documentation does not clearly illustrate or describe the claimed device and therefore does not provide sufficient evidence to the operability of the claimed propulsion device.

The teachings found in the submitted references are questionable because they attempt to invalidate well known laws of physics. The teachings of the submitted references are not persuasive and the operability of the claimed device is unclear.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (703) 305-5114. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William C. Joyce 12/12/04